

F I L E D
Clerk of the Superior Court

RECEIVED

JAN 28 2004

By: B. OSTHOFF, Deputy

NO WRIT OF MANDATE
STATE OF CALIFORNIAIN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN DIEGO

COUNTY OF SAN DIEGO,

Petitioner,

v.

COMMISSION ON STATE MANDATES;
STATE OF CALIFORNIA; and DOES 1
through 50, inclusive,

Respondents.

No. GIC 762953

Action Filed: February 26, 2001

~~PROPOSED~~ WRIT OF MANDATE (CCP
Section 1094.5)

Date: January 27, 2004

Time: 8:15 a.m.

Dept: 64

ICJ: William R. Nevitt, Jr.

Trial:

TO RESPONDENTS AND ALL THOSE ACTING PURSUANT TO THEIR
DIRECTION AND CONTROL:WHEREAS, on JAN 28 2004, 2004, judgment having been entered in this action,
ordering that a peremptory writ of mandamus be issued from this court,

YOU ARE HEREBY COMMANDED as follows:

1. The Commission on State Mandates ("Commission") shall within sixty days of the date of this writ set aside its decision of January 26, 2001, entitled *County of San Diego v. State of California*, No. CSM R-2046843 and issue a decision that the applicable standards of care forced the County of San Diego to incur \$3,455,754 in costs in excess of the funds provided by the State of California ("State"), and therefore the State is required to reimburse the County of San Diego ("County") in this amount; and

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1 2. The State shall reimburse the County the sum of \$3,455,754 within 180 days of
2 the date of this writ, together with interest at the legal rate from the date of the judgment entered
3 in this action until paid.

4 YOU ARE FURTHER COMMANDED, as follows:

5 3. The Commission shall make and file a return to this writ on or before May 1,
6 2004, setting forth what its has done to comply; and

7 4. The State shall make and file a return to this writ on or before September 1, 2004,
8 setting forth what it has done to comply.

9 IT IS ORDERED, that the writ issue.

10
11 Dated: _____

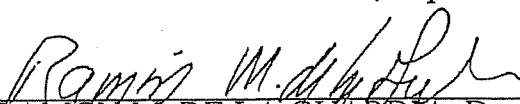
JUDGE OF THE SUPERIOR COURT

12
13
14 Dated: _____

CLERK OF THE SUPERIOR COURT

15
16 APPROVED AS TO FORM AND CONTENT:

17 BILL LOCKYER, Attorney General
18 MANUEL M. MEDIEROS, Senior Assistant
19 CATHERINE M. VAN AKEN, Supervising Attorney

20 By: 
21 RAMON M. DE LA GUARDIA, Deputy Attorney
22 General, Attorneys for the State of California

23 PAUL M. STARKEY, Chief Legal Counsel for the
24 Commission On State Mandates

25 JOHN J. SANSONE, County Counsel

26 By: _____
27 TIMOTHY M. BARRY, Senior Deputy, Attorneys
28 for County of San Diego

1 2. The State shall reimburse the County the sum of \$3,455,754 within 180 days of
2 the date of this writ, together with interest at the legal rate from the date of the judgment entered
3 in this action until paid.

4 YOU ARE FURTHER COMMANDED, as follows:

5 3. The Commission shall make and file a return to this writ on or before May 1,
6 2004, setting forth what its has done to comply; and

7 4. The State shall make and file a return to this writ on or before September 1, 2004,
8 setting forth what it has done to comply.

9 IT IS ORDERED, that the writ issue.

10
11 Dated: JAN 28 2004

12
13 WILLIAM R. NEVITT, JR.
14 JUDGE OF THE SUPERIOR COURT

15
16 Dated: JAN 28 2004

17 BARBARA OSTHOFF
18 CLERK OF THE SUPERIOR COURT

19 APPROVED AS TO FORM AND CONTENT:

20 BILL LOCKYER, Attorney General
21 MANUEL M. MEDIEROS, Senior Assistant
22 CATHERINE M. VAN AKEN, Supervising Attorney

23 By: RAMON M. DE LA GUARDIA, Deputy Attorney
24 General, Attorneys for the State of California

25 Camille Shelton, for
26 PAUL M. STARKEY, Chief Legal Counsel for the
27 Commission On State Mandates

28 JOHN J. SANSONE, County Counsel

By: Timothy M. Barry
TIMOTHY M. BARRY, Senior Deputy, Attorneys
for County of San Diego

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN DIEGO

COUNTY OF SAN DIEGO,

Petitioner,

v.

COMMISSION ON STATE MANDATES;
STATE OF CALIFORNIA; and DOES 1
through 50, inclusive,

Respondents.

No. GIC 762953

Action Filed: February 26, 2001

JUDGMENT GRANTING PEREMPTORY
WRIT OF MANDATE (CCP Section 1094.5)

Date: January 27, 2004

Time: 8:15 a.m.

Dept: 64

ICJ: William R. Nevitt, Jr.

Trial:

This matter came on regularly for hearing on January 27, 2004 at 8:15 a.m., in Department 64 of the above-entitled court, the Honorable William R. Nevitt, Jr., judge presiding. Petitioner, County of San Diego appeared by and through its attorneys of record John J. Sansone, County Counsel by Timothy M. Barry, Senior Deputy. The State of California appeared telephonically by and through its attorneys of record Bill Lockyer, Attorney General for the State of California by Ramon de la Guardia, Deputy Attorney General. The Commission on State Mandates appeared telephonically by and through its attorney of record Paul M. Starkey, Chief Legal Counsel.

Upon remand from the Court of Appeal, Fourth Appellate District, Division 1, and in conformance with the decision of that court,

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JUDGMENT GRANTING PEREMPTORY WRIT OF MANDATE

1 IT IS ORDERED that,

2 1. A peremptory writ of mandamus shall issue from the court, remanding the
3 proceedings to respondent Commission on State Mandates ("Commission") and commanding
4 respondents, and each of them as follows:

5 A. The Commission shall within sixty days of the date of this writ set aside its
6 decision of January 26, 2001, entitled *County of San Diego v. State of California*, No. CSM R-
7 2046843 and issue a decision that the applicable standards of care forced the County of San
8 Diego to incur \$3,455,754 in costs in excess of the funds provided by the State of California,
9 and therefore the State of California ("State") is required to reimburse the County of San Diego
10 in this amount;

11 B. The State shall reimburse the County of San Diego the sum of \$3,455,754
12 within 180 days of the date of this writ, together with interest at the legal rate from the date of
13 this writ until paid;

14 C. The Commission shall make and file a return to this writ on or before May
15 1, 2004, setting forth what it has done to comply; and

16 D. The State shall make and file a return to this writ on or before September 1,
17 2004, setting forth what it has done to comply.

18 2. Each party shall bear their own costs.
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21 Dated: JAN 28 2004

22 WILLIAM R. NEVITT, JR.
23 JUDGE OF THE SUPERIOR COURT
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